

1871

## Judge Kelly

Loyola Law School Los Angeles

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VANITY FAIR.

LONDON, NOVEMBER 4, 1871.

JUDGES.—No. IV.

THE RIGHT HON. SIR FITZ ROY EDWARD KELLY.

IN a country where, as in England, the political, social, and religious systems are so closely interwoven that a capability of satisfying the acquirements of all is necessary to success in either of them, it necessarily happens that the best men in each department are not usually to be found in the foremost positions. We are continually compelled to accept in Politics the worse politician because he makes the better social figure; in Theology the worse theologian because he is the better politician; in Law the worse lawyer because he is the better religionist. The happy combination of pre-eminence in one department and of sufficient superiority in all is so seldom found, that some of the most remarkable men modern England has produced are by the fatal necessity of the situation precluded from serving their country in those highest positions which best befit them.

Such has been the case with Sir Fitz Roy Kelly. Born seventy-five years ago, he was destined from an early age for the Bar; and as soon as he had won for himself a hearing, he gave the promise, which he has since richly fulfilled, of that clear intellect, great ability, and conscientious industry which entitle him to rank among the very first lawyers of the country. As an advocate he has achieved the most brilliant successes. He saved a Chartist from the extreme penalty of high treason, and he won for their possessors the vast Bridgwater estates and the premier earldoms of England, Ireland, and Scotland; having in two of the cases for supporter, and in one for opponent, that Mr. Bethell who was perhaps his only equal. He has taken also a most active part in the consolidation of the Statute Law; he proposed, and finally succeeded in effecting, one of the greatest of our modern law reforms, in the abolition of capital punishment for all offences save those of murder and high treason; and one of his latest achievements in Parliament was a masterly advocacy of the claims of the Nawab of the Carnatic. Endowed with parts which he had sedulously cultivated, blessed by Nature with a fitting presence, and distinguished by the courteous demeanour which commonly accompanies a sense of superiority, he seemed certainly destined to attain to that woolsack which should be the seat of the highest legal ability.

That political life which is the necessary stepping-stone to such a dignity betrayed, however, the just expectation that might have been founded upon it. Returned for Ipswich in 1835, he had to meet a petition which unseated him, and when defending himself a charge was made against him of an irregularity in proceeding, the memory of which has ever since been a stumbling-block in his career. Two years later he succeeded in making good his claim to a seat in the House of Commons, and soon became in succession Solicitor-General and Attorney-General; but John Pilgrim was never forgotten, and Mr. Kelly was long passed over and relegated to a comparative obscurity, which his worth rendered all the more remarkable. At last he was called, five years ago, to that position of Lord Chief Baron of the Court of Exchequer which he now so admirably fills, and in which he compels the recognition by all men of his power and rectitude.

JEHU JUNIOR.

JOHN TRUMAN'S DIARY.

MONDAY, October 30, 1871.—Heard from Malmesbury and of him. He is evidently taking up a position as one of the champions of the moderate Tories; and a very safe kind of man too—seems always to mean what he says, to believe in it himself, and not to say too much or raise doubtful points in his discourse. The Carlton, which never quite fancied Lord Derby, hopes he will be Foreign Minister again, and if the Conservatives intend to back up their own principles abroad they could not find a better representative. My Lord has been saying some sensible things to his neighbours at Christchurch about the House of Lords, and has pleaded his own case in a neat, unpretending way. But he has not gone to the root of the matter. No one denies that what he describes as “a second House of Parliament” is useful as a check on popular caprice. The question is only as to the proper composition of such a body. Lord Malmesbury himself is a fine gentleman; straightforward, honest, and experienced. Such qualities as he possesses are valuable in the councils of nations. But how about the Duke of Dullness, with Lords Muttonhead and Verisopht, who became members of this second House of Parliament at twenty-one years of age?

I am afraid that the best which can be said of the House of Lords is that, with some exceptions, such as Lord Redesdale and the late Lord Carlisle, it is a company of well-dressed persons, not generally given to be uproarious, perfectly satiated, commonly content, and that they are the great prizes in the lottery of marriage. There are certainly some eminent men among the Peers, but there are many who are not eminent or respectable in any sense. Nobody knows this better than Lord Malmesbury, and it is not easy to understand why he should feel called upon to make wholesale excuses for a system which he can hardly approve.

TUESDAY, October 31, 1871.—Lady Elizabeth Bratwürst called on me yesterday afternoon. She was my uncle's widow, and married one of those long-headed German merchants who have set up of late years in the City.

I suspect it might have fared hardly with her ladyship in the world but for the handle to her name, though she is fair and shrewd. Her title, however, attracted Bratwürst, who had been attracted by my uncle's breakfasts when that elderly magnate was passing a summer near Bonn. One day my uncle asked him to Cloudlands, if he should ever visit England, merely as one of those insignificant compliments often paid to natives by travellers in their diggings. But the Germans have no idea of a joke, and by-and-by Bratwürst turned up, having worked his passage over, in the depth of winter, on board a Newcastle collier. The people at Cloudlands began by laughing at him, and ended by liking him. He was a simple fellow, with the oddest clothes in the world, an extraordinary stock of useful information, and a surprising knowledge of music. Twenty years afterwards he was a banker in Lombard Street, and had married my aunt. They have twelve children, seven daughters. Her ladyship now came to tell me that my nephew, Ernest, the Guardsman, has fallen in love with her Edith.

I ventured to remark that I thought such a proceeding on the part of a military man of small expectations at least incon-